(3)

CH/06

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 3261 /2003

PETITIONER : **Smt. Kishwer Begum, W/o Shri A.S.Faruqui, aged 44 years, Occupation- Government Service, R/o 103, Hanuman Nagar, Kalibaki Chowk, Raipur (C.G.)**

-VERSUS-

RESPONDENTS :

1. **State of Chhattisgarh through Secretary, Department of School Education, Mantralaya, D.K.S.Bhavan, Raipur (C.G.)**
2. **Director, Public Instruction, Raipur.**
3. **District Education Officer, Raipur.**
4. **B.P.Diwan, Vice-Principal, Government Multipurpose Higher Secondary School, Raipur.**

P. R. No. - 31/6/03
Presented by Shri Vinod Deshmukh
dated 16.10.03

WRIT UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3261/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	02/01/2004 Shri Rajeev Shrivastava, counsel for the petitioner. Shri P.Das, Panel Lawyer takes notice on behalf of the respondents no. 1 to 3/ State. Heard. By this writ petition under Article 226/227 of Constitution of India the petitioner has challenged the order of respondent no.2 dated 30/09/2003 by which the petitioner has been placed under suspension. The case of the petitioner is that he was working as Lecturer in the Higher Secondary School Education Department of the State of Government of Chhattisgarh and the post of the petitioner is equivalent to the Principal of High School. Vide order dated 28/12/1999 the petitioner was posted as Principal, Government High School, Raipura (Annexure P/1). Vide order dated 30/06/2001 the State Government has elevated the High School, Raipura as Higher Secondary School and the petitioner even after this order, continued as a Principal of the School. However, vide4 order dated 16/07/2003 (Annexure P/5) the respondent no.4 – B.P. Diwan on being promoted, was posted as the Principal in Government Higher Secondary School, Raipura on which post the petitioner was already working and when the petitioner sought clarification about his posting vide Annexure P/6, the petitioner was neither transferred nor posted at any other post. However, the petitioner was placed under suspension vide order dated 30/09/2003 (Annexure P/7) showing the disobedience of the order	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

dated 22/09/2003. But that order was never served upon the petitioner and the petitioner is not aware till today about the order dated 22/09/2003. Against this, the petitioner made a representation on 06/10/2003 to the Secretary to the Government of Chhattisgarh (Annexure P/8) and till that date the said representation has not been decided.

I have heard learned counsel for the parties.

Learned counsel for the petitioner submitted that in the first instance, without giving any posting order to the petitioner, the respondent no.4 was posted in his place and when the petitioner sought clarification about this posting he was informed that he was placed under suspension vide order dated 30/09/2003 (Annexure P/7) showing that the petitioner has not complied with the order dated 22/09/2003. He further submits that the said order dated 22/09/2003 was never served upon the petitioner and he has been suspended in a illegal and arbitrary manner without giving opportunity to the petitioner to explain his conduct and the petitioner made a representation dated 06/10/2003, the same is still pending before the Secretary, Education Department. Government of Chhattisarh, who has not decided the representation.

In the circumstances, learned counsel for the petitioner submitted that this petition may take some time for its disposal. In the given circumstances, the respondent no.1 may be directed to decide the representation of the petitioner considering all his contentions raised in the representation and the petitioner may be

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P No. 3261/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश (3)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

allowed to make a detailed representation raising all his grievances to which the learned Panel Lawyer has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, I am of the opinion that in the circumstances, it is just and proper to allow the petitioner to make a detailed representation raising all his grievances to the respondent no. 1 within a period of ten days, who in turn , will decide the representation of the petitioner within 30 days from the date of receipt of copy of this order with a reasoned and detailed order considering all the points raised by the petitioner.

Looking to the facts and circumstances of the case, it is expected that the concerned authority will not take any unjustified action against the petitioner on account of filing this writ petition or representation.

With the aforesaid observations and directions, this writ petition stands disposed of. Consequently, .W.P.No.2974/2003 and I.A.No.9569/2003 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

Rajput
SA